

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.1952 OF 2006

Dated: 6th July, 2006.

Between:

Akash Cable T.V. Network Private Limited, represented by
Managing Director, Nellore.

..... PETITIONER

AND

Telecom Disputes Settlement & Appellate Tribunal, New
Delhi, and others.

.....RESPONDENTS

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ORDER :

This writ petition is filed seeking a declaration that the order of the Telecom Disputes Settlement and Appellate Tribunal, New Delhi dated 19-1-2006 in Petition No.11(c) of 2006 as arbitrary, without jurisdiction and contrary to the provisions of Telecom Regulatory Authority of India Act, 1997; and also to declare that the Telecommunication (Broadcasting and Cable Services) Inter-connection Regulations, 2004 (for short, 'Regulations, 2004') issued by the Telecom Regulatory Authority of India (TRAI) as illegal and ultra vires the provisions of the TRAI Act, 1997.

Identical issues with regard to the vires of the Regulations of 2004 and the maintainability of the writ petition against the order passed by the Tribunal under Section 14 of the Act have been considered in detail in W.P.Nos.27978 of 2005 and 768 of 2006 and by a common order dated 6-7-2006 the said writ petitions were dismissed upholding the validity of the Regulations. It has also been held that against the order passed by the Tribunal under Section 14 of the TRAI Act since an alternative remedy of appeal is available under Section 18 of the TRAI Act, without exhausting the said remedy, the writ petition cannot be maintained.

In view of the reasons stated in the common order in W.P.Nos.27978 of 2005 and 768 of 2006, this writ petition shall also stand dismissed. However, this shall not preclude the petitioner to avail the alternative remedy of appeal as available under law. No costs.

G. ROHINI, J.

Dt. 6-7-2006
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